

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 57

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE; REPEALING SECTION 4, CHAPTER 308, LAWS OF 2006, TO REMOVE A CONTINGENT SUNSET DATE; AMENDING SECTION 39-7211, IDAHO CODE, TO REVISE A PROVISION RELATING TO MONEYS IN THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE FUND, TO PROVIDE THAT MONEYS IN THE FUND ARE PERPETUALLY APPROPRIATED TO THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR SPECIFIED PURPOSES UNTIL CERTAIN CONDITIONS ARE MET, TO AUTHORIZE THE DEPARTMENT TO NEGOTIATE LOWER FINANCIAL ASSISTANCE AMOUNTS WITH CERTAIN PROPERTY OWNERS WHEN SPECIFIED CONDITIONS ARE MET, TO PROVIDE FOR INTEREST EARNED ON MONEYS IN THE FUND, TO REVISE AUTHORIZED MAXIMUM OVERALL FINANCIAL ASSISTANCE PROVISIONS, TO REVISE THE NUMBER OF PROJECTS THAT MAY PARTICIPATE IN THE INITIATIVE, TO PROVIDE FOR THE ESTABLISHMENT OF ANNUAL PRIORITY LISTS OF CERTAIN PROJECTS UNTIL ALL FUNDS ARE ALLOCATED, TO PROVIDE FOR ANNUAL PRIORITY LISTS OF THE FIFTEEN HIGHEST PRIORITY PROJECTS, TO PROVIDE THAT THE DEPARTMENT SHALL CONTACT CERTAIN ELIGIBLE PROPERTY OWNERS AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING A CONTINGENT SUNSET DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4, Chapter 308, Laws of 2006, be, and the same is hereby repealed.

SECTION 2. That Section 39-7211, Idaho Code, be, and the same is hereby amended to read as follows:

39-7211. IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE. (1) There is hereby established in the state treasury a fund to be known as the Idaho community reinvestment pilot initiative fund which shall consist of moneys appropriated to the fund, ~~donations, gifts and grants from any source~~ and any other moneys which may hereafter be provided by law. The state treasurer shall be the custodian of the fund and shall invest said moneys in accordance with law. Any interest earned on the moneys in the fund shall be deposited in the fund. Moneys in the fund shall be disbursed in accordance with the directions of the director of the department of environmental quality. All moneys in the fund are perpetually appropriated to the director for expenditure in accordance with the provisions of this section until the director of the department of environmental quality certifies to the secretary of state that the conditions in section 3 of this act have been met.

(2) The state of Idaho hereby authorizes financial assistance to eligible property owners conducting voluntary cleanup actions pursuant to this chapter. The financial assistance authorized by this section shall not exceed one hundred fifty thousand dollars (\$150,000) per project and shall be limited to, subject to the one hundred fifty thousand dollars (\$150,000)

1 maximum, ~~seventy-percent~~ seventy percent (70%) of a project's qualifying
 2 remediation costs certified by the department pursuant to this section.
 3 After voluntary remediation agreements have been entered into by ten (10)
 4 eligible property owners, the department may negotiate lower financial
 5 assistance amounts with subsequent eligible property owners to avoid ex-
 6 ceeding the balance remaining in the fund.

7 (3) Pursuant to general fund appropriation and interest earned on the
 8 moneys in the fund, the maximum overall financial assistance authorized by
 9 this section is ~~one million five hundred thousand dollars (\$1,500,000) in~~
 10 ~~qualified remediation cost expenditures~~ shall not exceed the balance in the
 11 fund. A maximum of ~~ten~~ fifteen (105) projects may participate in the initia-
 12 tive.

13 (4) The department shall establish an annual priority list for commu-
 14 nity revitalization projects, until all funds are allocated. The priority
 15 list shall be used as the method for allocating funds under this initiative.

16 (a) On an annual basis, the department shall establish, at a minimum,
 17 a continuous three (3) month calendar period in which eligible property
 18 owners may submit a written request, on a standard form developed by the
 19 department, to participate.

20 (b) On an annual basis, the department shall develop a priority list
 21 based on a weighted numerical points system established by the depart-
 22 ment. The rating system shall consider the following criteria wherein
 23 the department shall weigh each succeeding criteria less heavily than
 24 the preceding criteria:

25 (i) Whether the project is located in a city with a population of
 26 under twenty thousand (20,000) residents;

27 (ii) The level of social and economic benefit expected from the
 28 proposed reuse plan;

29 (iii) Whether contamination is preventing or complicating rede-
 30 velopment;

31 (iv) Whether a reuse plan meets local planning and reuse goals, is
 32 compatible with long-term plans, and is ready to proceed;

33 (v) The level of human health risks the cleanup will remedy;

34 (vi) Current property conditions, including building safety con-
 35 cerns, vacancy rates and the level of negative visual impact the
 36 property has on the community.

37 (c) The department shall maintain annual priority lists of the ~~twenty-~~
 38 ~~five~~ fifteen (215) highest priority projects.

39 (d) After finalizing the priority list, the department shall contact,
 40 in writing, the eligible property owners ~~that submitted the ten (10) of~~
 41 the highest ranked priority projects and will set a target date for the
 42 eligible property owners to enter into a voluntary remediation agree-
 43 ment as described in subsection (1) of section 39-7205, Idaho Code.

44 (e) The department may bypass a project, and submit in its place the
 45 next highest priority project on the project list, for any of the fol-
 46 lowing reasons:

47 (i) The eligible property owner fails to enter into a voluntary
 48 remediation agreement by the target date established by the de-
 49 partment;

(ii) The eligible property owner, in writing, withdraws its request to participate; or

(iii) The voluntary remediation agreement is terminated or rescinded by the department prior to commencement of remediation as described in the voluntary remediation agreement approved by the department.

The department shall notify the bypassed eligible property owner of the reason or reasons for the bypass.

(5) Eligible property owners may request a community investment rebate by submitting documentation and certifications enumerated in paragraphs (a) through (c) of this subsection to the department. Eligible property owners shall submit this information no more than sixty (60) days after the department issues a certificate of completion for the project. Eligible property owners must receive a written certificate of completion from the department before the department may certify qualifying remediation costs or provide a community reinvestment rebate. Information to be submitted includes:

(a) Copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records from purchases, sales, leases, or other transactions involving actual costs incurred completing remediation activities in accordance with the work plan approved by the department;

(b) Notarized documentation completed and signed by the participant certifying that all information contained in the application, including all records of claims, costs incurred, and costs paid, are true and correct and constitute qualifying remediation costs;

(c) Notarized documentation completed and signed by a technical professional certifying that a technical professional oversaw all remediation work plan activities and that all costs associated with documents submitted pursuant to this subsection constitute qualifying remediation costs.

(6) Community reinvestment rebate requests shall be reviewed and certified as follows:

(a) The department shall review each community reinvestment rebate request and determine whether the request is complete. If the department determines the request is incomplete, the department shall return the request, with the deficiencies indicated, to the eligible property owner by certified mail;

(b) Once a community reinvestment rebate request is deemed complete, the department shall review the request and determine the project's qualifying remediation costs. The department shall then issue a certification of the qualifying remediation costs for all those costs found to be reasonable by the department;

(c) The department shall issue the eligible property owner a community reinvestment rebate in the amount it certified as qualified remediation costs no more than thirty (30) days after department certification;

(d) Any eligible property owner or technical professional determined in a civil enforcement action to have submitted a false statement, representation or certification in any application, record, report, plan or other document submitted to the department, shall reimburse the state of Idaho for moneys wrongfully rebated and shall be liable for

1 civil penalties and expenses incurred by the department in accordance
2 with chapter 1, title 39, Idaho Code.

3 (7) Eligible property owners that receive a community investment re-
4 bate are not eligible to receive the property tax exemption established un-
5 der section 63-602BB, Idaho Code.

6 SECTION 3. Section 2 of this act shall be null, void and of no force and
7 effect on and after the date the director of the Department of Environmental
8 Quality certifies to the Secretary of State that the department has expended
9 all remaining funds in the account or fifteen (15) eligible property owners
10 have been reimbursed pursuant to the provisions of Section 2 of this act.